



PNR

**Marblehead Lime Company**  
A General Dynamics Company

222 North LaSalle Street  
Chicago, Illinois 60601  
312/263-4490

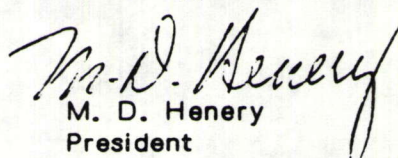
December 11, 1987

Mr. Ed Ely  
USPCI, Inc.  
Suite 400 South  
2000 Classen Center Building  
Oklahoma City, OK 73106-60708

Dear Sir:

Referring to letter dated December 4 from W. Chris Coleman to Mr. John A. Washburn, requesting execution of form MR10, Application for Permit Transfer, I am herewith transmitting to you said document and its attachments.

Sincerely,

  
M. D. Henery  
President

MDH/jk

encs.

cc: J. Washburn  
E. Penman  
P. Raines



MEMORANDUM

To: M. J. O'Brien

Re: USPCI/Transfer of  
Mining Permit

From: John Washburn

Date: December 9, 1987

Attached hereto is the correspondence I received from USPCI's attorney regarding USPCI's application for the transfer of the mining permit at Tooele. I have transmitted the original to M.D. Henery for his signature, and will return the signed transfer to USPCI per their instructions.

John Washburn/jmc

JAW/jmc

Attachment

cc: M. D. Henery (w/original) ✓



LAW OFFICES

**McAFEE & TAFT**

A PROFESSIONAL CORPORATION

TENTH FLOOR

TWO LEADERSHIP SQUARE

OKLAHOMA CITY, OKLAHOMA 73102

(405) 235-9621

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MARION C. BAUMAN  
JOSEPH H. BOGOCCK  
REDFORD BOND  
KENNETH L. BURTNER  
MARK E. BURGET  
GARY W. CATRON  
CHARLES E. CHEATHAM  
WALTER CHRIS COLEMAN  
C. BRUCE CRUM  
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MARK A. MOORE  
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J. MICHAEL NORDIN  
JOHN A. PAPANONIS  
ADRIENNE L. RILEY  
MYRNA R. SCHACK  
M. ELIZABETH SCOTT  
SCOTT W. SEWELL  
JAMES W. SHEAROCK  
JOSEPH WALTERS  
DREW D. WEBB  
G. RAINY WILLIAMS, JR.  
MICHAEL A. WOMBLE

OF COUNSEL  
KENNETH HEADY  
RICHARD W. HEMINGWAY  
EUGENE KUNTZ  
SIDNEY P. UPSHUR

CABLE OKLAH  
TWX 910-831-3294  
TELECOPY (405) 235-0439  
(405) 232-2404

December 4, 1987

RECEIVED  
DEC 28 1987

DIVISION OF  
OIL, GAS & MINING

John A. Washburn, Esq.  
Gould & Ratner  
8th Floor  
222 North LaSalle Street  
Chicago, Illinois 60601

Re: USPCI/Marblehead Acquisition

Dear John:

You had recently inquired as to the status of the reclamation bond. USPCI delivered a reclamation bond in the amount of \$119,257 to the State of Utah, Department of Natural Resources, at the time of closing, but, the Department of Natural Resources has apparently not released Utah Marblehead Lime Company's bond due to USPCI's attempt to self-bond in the State of Utah. I am enclosing a form MR10, Application for Permit Transfer, which needs to be executed by Utah Marblehead Lime Company, as transferor, and returned to Ed Ely, USPCI, Inc., Suite 400 South, 2000 Classen Center Building, Oklahoma City, Oklahoma, 73106-60708, as soon as possible. Mr. Ely will then see that the application is completed and delivered to the Department of Natural Resources. Hopefully, this will resolve any remaining impediments to the release of Utah Marblehead Lime Company's bond.

A similar form MR10 may have previously been sent to Utah Marblehead Lime Company. Nonetheless, if the enclosed form



can be executed as soon as possible and returned to Mr. Ely, this would expedite matters.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W. Chris Coleman', written over the closing 'yours'.

W. Chris Coleman

WCC/jah  
Enclosure

cc: Mr. Ed Ely



State of Utah  
Department of Natural Resources  
Division of Oil, Gas and Mining  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
(801) 538-5340

*Original  
Application  
(rejected as  
incomplete)*

*\*\* See  
complete  
permit transfer  
form in bond  
file.*

APPLICATION FOR PERMIT TRANSFER

1. (a) Name, telephone number and mailing address of applicant:

USPCI Inc.  
2000 Classen Center, Suite 400 South  
Oklahoma City, OK 73106 (405) 528-8371

- (b) Location of mining operation (county): Tooele

- (c) Permit number to be transferred: Act/045/033

- (d) The total number of acres in the permit area and an estimate of the total number of acres affected by the operation through date of transfer:

TOTAL PERMIT ACRES	DATE ISSUED	ESTIMATE OF AFFECTED ACRES
<u>Original Permit</u>		
<u>159</u>	<u>6/30/77</u>	<u>159</u>
<u>Approved Amendments</u>		
<u>Total Acres</u>		
<u>159</u>		

Attach a legal description of above acreages as Appendix "C" and original USGS Quad Map(s) with permit and amendment areas clearly shown and identified.

2. (a) Name, telephone number and mailing address of Transferee:

USPCI Inc.  
2000 Classen Center, Suite 400 South  
Oklahoma City, OK 73106 (405) 528-8371

- (b) If Transferee is a partnership, association or corporation, the names and addresses of all owners, partners, managers and executives directly responsible for operations in this State:



2.(b) (continued)

Name:	<u>Gerald J. Gagner</u>	Address:	<u>2000 Classen Ctr, Ste 400 South</u> <u>Oklahoma City, OK 73106</u>
Title:	<u>Chief Executive Officer</u>	Phone No.:	<u>(405) 528-8371</u>
Name:	<u>Larry Shelton</u>	Address:	<u>2000 Classen Ctr, Ste 400 South</u> <u>Oklahoma City, OK 73106</u>
Title:	<u>Vice President</u>	Phone No.:	<u>(405) 528-8371</u>
Name:	<u>Ken Jackson</u>	Address:	<u>2000 Classen Ctr, Ste 400 South</u> <u>Oklahoma City, OK 73106</u>
Title:	<u>Vice President</u>	Phone No.:	<u>(405) 528-8371</u>
Name:	<u>                                </u>	Address:	<u>                                </u>
Title:	<u>                                </u>	Phone No.:	<u>                                </u>

3. Name, telephone number and address of the authorized representatives of the Transferee to whom any notices under the provisions of the Utah Mined Land Reclamation Act, adopted thereunder may be sent:

Douglas S. Foxley

4. Reclamation surety information:

Amount:	<u>\$119,257.00</u>
Form:	<u>bond</u>
Company	<u>International Fidelity Insurance</u>
Date Issued:	<u>April 13, 1987</u>
Renewable Date:	<u>April 13, 1987</u> (7) 88?
Etc.:	<u>                                </u>

5. The provisions of the transferred permit are severable, and if any provision of the permit, or the application of any provision of the permit, to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.



SWORN STATEMENT OF TRANSFEROR

State of Illinois )  
County of ~~COOK~~ DuPAGE ) ss.

I M. D. Henery being duly sworn on my oath  
Name (typed or printed)

that I am the Transferor (Executive Vice-President if the Transferor is a corporation) for the foregoing mining permit transfer; that I have read the said application and fully know the contents thereof; that all statements contained in the permit transfer application are true and correct to my best knowledge and belief; by execution of this statement I certify that Transferor is in full compliance with the Utah Mined Land Reclamation Act, the Rules and Regulations promulgated thereunder, and the terms and conditions of Mining Permit No. M/045/003. Approval of this transfer by the Division of Oil, Gas and Mining does not constitute a conclusion that the Transferor is in full compliance.

Dated this 10th day of December, 19 87.

NAME: *M. D. Henery*  
TITLE: President

The foregoing instrument was acknowledged before me by:  
M. D. Henery, this 10th day of  
December, 19 87. Witness my hand and official seal.

*Joanne Kristina*  
(Notary Public or other authorized officer)

My Commission Expires: May 29, 1989



FINAL SWORN STATEMENT OF TRANSFEREE

State of Utah )  
 ) ss.  
County of \_\_\_\_\_ )

I \_\_\_\_\_ being duly sworn on my oath  
Name (typed or printed)

that I am the Transferee (Executive Vice-President if the Transferee is a corporation) for the foregoing mining permit transfer; that I have read the said application and fully know the contents thereof; that all statements contained in the permit transfer application are true and correct to my best knowledge and belief; by execution of this statement I certify that Transferee has the right and power by legal estate owned to mine from the land for which this permit transfer is desired; that Transferee has not forfeited, or is not involved in forfeiture proceedings for, a bond posted for reclamation purposes; and by completion and submission of this application, hereby give consent to allow the Director, the Administrator and/or authorized representatives, at reasonable times and upon presentation of appropriate credentials, to enter upon and have access to any and all lands covered by this permit and amendments thereto and to inspect and copy any records or documents, obtain or monitor any samples or sampling, for any activities associated with the operation and permit.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

The foregoing instrument was acknowledged before me by:  
\_\_\_\_\_, this \_\_\_\_\_ day of  
\_\_\_\_\_, 19\_\_\_\_. Witness my hand and official seal.

(Notary Public or other authorized officer)

My Commission Expires: \_\_\_\_\_



THE STATE OF UTAH )  
 ) ss.  
DIVISION OF OIL, GAS AND MINING )

This is to certify that I have examined the foregoing application and do hereby grant the same subject to the following limitations and conditions.

1. This permit transfer grants only the right to affect the lands described in Appendix "C" of the permit.
2. The Transferee has acquired a good and sufficient reclamation bond fully executed and signed. The bond shall be effective on the date of transfer.
3. The Transferee, or such other person as required by UCA 1953, Title 40-8, has acquired a license to mine for lands described in Appendix "C" of the permit.

COMMENTS:

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APPROVED: \_\_\_\_\_  
Director  
Division of Oil, Gas and Mining

Effective Date: \_\_\_\_\_  
Permit No.: \_\_\_\_\_

APPROVED AS TO FORM:

1  
;

\_\_\_\_\_  
Assistant Attorney General





STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

Norman H. Bangert, Governor  
Dee C. Hansen, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84160-1203 • 801-538-5340

April 29, 1987

Mr. Ed Ely  
Insurance Administrator  
U.S. Pollution Control Inc.  
2000 Classen Center, Suite 400 South  
Oklahoma City, Oklahoma 73106

Dear Mr. Ely:

Re: Permit Transfer and Self-Bonding Request, Utah Marblehead Lime Company, Marblehead Quarry, ACT/045/003, Tooele County, Utah

Thank you for the information contained in your recent submittals of April 22 and 24, 1987, concerning the above-referenced mine. As I indicated during our recent telephone conversation, the Division will require additional information in order to initiate both the permit transfer and self-bonding requests.

Concerning the permit transfer, I have included the Division's Form MR-10, Application for Permit Transfer. Please forward the completed form to our offices as soon as possible. Because the application requests an original USGS Quad map with permit and amendment areas clearly shown and identified, I have also included the blank map which was enclosed with your initial submittal.

Concerning your request to replace the existing bond with a self-bonding agreement, I have enclosed the following information:

- 1) Self-Bonding and Indemnity Agreement.
- 2) Self-Bonding Qualifications Sheet

Please return the completed forms to our office as soon as possible. Upon receipt of this information, and pending review of the same, the Division will make recommendations to the Board concerning your request.



Page 2  
Mr. Ed Ely  
ACT/045/003  
April 30, 1987

The Division is in receipt the reclamation bond submitted by USPCI in the amount of \$119,257.00. Please be advised that the Division will continue to hold the current form of surety until such time as a decision can be reached concerning a self-bonding agreement between USPCI and the Board of Oil, Gas and Mining.

Thank you for your cooperation in this permitting matter. I will look forward to working with USPCI in the future. Should you have any questions or concerns, please contact me or Frank Filas.

Sincerely,

A handwritten signature in dark ink, appearing to read "David M. Wham", written in a cursive style.

David M. Wham  
Reclamation Hydrologist

clj  
Enclosure  
cc: L. Braxton  
F. Filas  
0851R/64&65



# POWER OF ATTORNEY

## International Fidelity Insurance Company

HOME OFFICE: 24 COMMERCE STREET  
NEWARK, NEW JERSEY 07102

BOND NO. 000800174

KNOW ALL MEN BY THESE PRESENTS: That International Fidelity Insurance Company, a corporation organized and existing under the laws of the State of New Jersey, and having its principal office in the City of Newark, New Jersey, does hereby constitute and appoint

Robert A. Soderland, Linda K. Moore, Barbara J. Lamm  
St. Louis, Missouri

its true and lawful attorney-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature hereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said International Fidelity Insurance Company, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

This Power of Attorney is executed, and may be certified to and may be revoked, pursuant to and by authority of Article 2, - Section 3, of the By-Laws adopted by the Board of Directors of International Fidelity Insurance Company at a meeting called and held on the 23rd day of December, 1968.

The President or any Vice President, Executive Vice President, Secretary or Assistant Secretary, shall have power and authority

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and,
- (2) To remove, at any time, any such Attorney-in-fact and revoke the authority given.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 4th day of February, 1975 of which the following is a true excerpt:

Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, International Fidelity Insurance Company has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 1st.



day of May

A.D. 1982

STATE OF NEW JERSEY  
County of Essex

*Robert A. Soderland*  
Executive Vice President

On this 1st day of May 1982, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said that he is the therein described and authorized officer of the International Fidelity Insurance Company; that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal, at the City of Newark, New Jersey the day and year first above written.

*Frieda Harris*  
Notary Public  
My Commission Expires April 14, 1988

### CERTIFICATION

I, the undersigned officer of International Fidelity Insurance Company do hereby certify and that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney, with the ORIGINALS ON FILE IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 13th day of April

19 87

*John J. Soderland*



(August 1986)  
(Noncoal)Bond Number 000800174  
Permit Number ACT/0-5/003  
Mine Name \_\_\_\_\_STATE OF UTAH  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING  
355 West North Temple  
3 Triad Center, Suite 350  
Salt Lake City, Utah 84180-1203  
(801) 538-5340

## THE MINED LANDS RECLAMATION ACT

## BOND

\*\*\*\*\*

The undersigned USPCI, Inc., 2000 Classen Center, Oklahoma City, OK 73106 as principal, and International Fidelity Insurance Co. as surety, hereby jointly and severally bind ourselves, our heirs, administrators, executors, successors and assigns unto the State of Utah, Division of Oil, Gas and Mining in the penal sum of One Hundred Nineteen Thousand Two Hundred Fifty-Seven and no/100-- dollars (\$ 119,257.00-- ).

The principal estimated in the Mining and Reclamation Plan filed with the Division of Oil, Gas and Mining on the 30th day of June, 19 77, that 159 acres of land will be disturbed by this mining operation in the State of Utah. A description of the disturbed land is attached hereto as Exhibit "A."

When the Division has determined that the principal has satisfactorily reclaimed the above-mentioned lands affected by mining in accordance with the approved Mining and Reclamation Plan and has faithfully performed all requirements of the Mined Land Reclamation Act, and complied with the Rules and Regulations adopted in accordance therewith, then this obligation shall be void; otherwise it shall remain in full force and effect until the reclamation is completed as outlined in the approved Mining and Reclamation Plan.

If the approved plan provides for reclamation of the land affected on a piecemeal or cyclic basis, and the land is reclaimed in accordance with such plan, then this bond may be reduced periodically.

In the converse, if the plan provides for a gradual increase in the area of the land affected or increased reclamation work, then this bond may accordingly be increased with the written approval of the surety company.

This bond is noncancellable by the surety at any time for any reason including, but not limited to nonpayment of premium or bankruptcy of the permittee during the period of liability.



Page 2  
NONCOAL  
MR-5

NOTE: Where one signs by virtue of Power of Attorney for a surety company, such Power of Attorney must be filed with this bond. If the principal is a corporation, the bond shall be executed by its duly authorized officer.

Dated this 13th day of April, 19 87.

State of Utah  
Board of Oil, Gas and Mining

Gregory P. Williams, Chairman

USPCI, Inc.

Principal (Company)

By

[Signature]  
Company Officer - Position

Larry Shelton, Vice President - Finance

Date:

4-13-87

International Fidelity Insurance Co.

Surety (Company)

By

[Signature]  
Surety Company Officer - Position

Linda K. Moore, Attorney-in-Fact

DATE:

4-13-87

APPROVED AS TO FORM:

By

Assistant Attorney General



AFFIDAVIT OF QUALIFICATION

Linda K. Moore, being first duly sworn, on oath deposes and says that he/she is the (officer or agent) attorney-in-fact of said Surety Company, and that he/she is duly authorized to execute and deliver the foregoing obligations; that said Surety Company is authorized to execute the same and has complied in all respects with the laws of Utah in reference to becoming sole surety upon bonds, undertakings and obligations.

International Fidelity Insurance Co.

(Signed)

Linda K. Moore  
Surety Company Officer - Position  
Linda K. Moore, Attorney-in-Fact

Subscribed and sworn to before me this 13th day of April, 19 87.

Mildred E. Soderland  
Notary Public  
Mildred E. Soderland

My Commission Expires:

March 11, 19 91.

MILDRED E. SODERLAND  
NOTARY PUBLIC, STATE OF MISSOURI  
MY COMMISSION EXPIRES 3/11/91  
ST. LOUIS COUNTY